

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

FEB 27 2015

David J. Bradley, Clerk

United States of America

v.

Roberto Carlo Ferrer
YOB 1980
USC

Case No.

M-15-0303-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/26/2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description


Title 21 USC 841(a)(1) and 843(b)

knowingly and unlawfully possesses with the intent to distribute a controlled substance listed under Schedule I Title II of the Controlled Substances Act, to wit 3 lbs of marijuana, and used a communication facility, The United States Postal Service, in the commission of an act constituting a felony

This criminal complaint is based on these facts:

see attached affidavit

☒ Continued on the attached sheet.

approved for filing

Man

Manuel P. Zavala
 Complainant's signature

Manuel P. Zavala, Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

February 27, 2015
8:37am

Peter E. Ormsby
 Judge's signature

City and state:

McAllen, TX

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

COUNTY OF HIDALGO

*

*

STATE OF TEXAS

*

I, Manuel P. Zavala, having been duly sworn, do hereby depose and state:

1. I am a United States Postal Inspector, currently assigned to the Houston Division Office in McAllen, Texas. As part of my duties as a Prohibited Mailing Specialist, I investigate the use of the U. S. Mails to illegally mail and receive controlled substances and drug trafficking instrumentalities, in violation of Title 21, United States Code, Sections 841 (a) (1), 843 (b), 846, 853 (a), and 881 (a) (6). I have participated in investigations, which have resulted in the arrest of individuals who have received and distributed controlled substances, as well as the seizure of the illegal drugs.

2. Investigations by Postal Inspectors and other federal, state and local law enforcement officials indicate that the area of South Texas, sometimes referred to as "the Valley," is a significant crossing point for illegal drugs into the United States of America. The U. S. Postal Service is one of the means used for transporting both the illegal controlled substances and the money used to pay for those illegal controlled substances. Numerous parcels found to contain illegal controlled substances have been mailed from the Texas Rio Grande Valley for delivery in other cities in the United States.

3. The McAllen Domicile conducts a continuous drug interdiction program in an attempt to decrease the amount of narcotics being shipped via the US Mail. Based on my training and experience as a narcotics investigator, I know that it is common for people who traffic narcotics to use Parcel Post, Priority or Express Mail.

4. On February 26, 2015, your Affiant observed a Hispanic male, later identified as Roberto Carlo Ferrer, enter K C Postal Services, a postal contract unit, at 4200 N 23rd ST, McAllen, TX. Mr. Ferrer had been observed previously on April 10, 2014 mail a parcel at the McAllen, TX Main Post Office. The parcel that Mr. Ferrer had mailed appeared suspicious due to the fact that the sender was not known at the listed return address. A federal search warrant (M-14-725-M) was subsequently obtained for said parcel and the parcel was found to contain approximately 1 lb of marijuana. On this date, Mr. Ferrer was mailing a similar box at K C Postal Services. The parcel that Mr. Ferrer was mailing is described as follows:

Addressee:	Saul Medina 307 Bruce ST Lexington, NC 27295
Return Addressee:	Raul Medina 10503 N 25 th ST McAllen, TX 78504
Postmarked:	February 26, 2015
Weight:	6 Lbs. 1.2 Oz.
Office of Mailing:	McAllen, TX 78504

5. Upon mailing said parcel, your Affiant approached Mr. Ferrer and asked if he had prepared the parcel for mailing and what the contents of the parcel were. Mr. Ferrer was observed sealing the parcel by Postal Inspector M. Slawson while inside K C Postal Services but he denied sealing the parcel. Mr. Ferrer also stated that the parcel contained supplements that he was mailing to a client. Mr. Ferrer was then asked if he would provide consent to search the parcel. Mr. Ferrer gave consent to search the parcel and the parcel was found to contain one plastic wrapped bundle weighing approximately 3 lbs. The bundle consisted of green leafy substance which field tested positive for marijuana.

6. Mr. Ferrer was then transported to the McAllen, TX Domicile for further questioning. After being advised of his Constitutional Rights, Mr. Ferrer agreed to be interviewed. Mr. Ferrer stated that he had obtained the marijuana from an individual he knew as "Daniel Rodriguez." Mr. Ferrer stated that he had gone to Mr. Rodriguez's residence in Hidalgo, TX and had prepared the parcel for mailing by wrapping the marijuana bundle with more cellophane plastic wrap and placing it in a U.S. Postal Service Priority box. Mr. Ferrer then took the box, bundle of marijuana and some clothing items, which he later used as concealment for the marijuana bundle, from Mr. Rodriguez's home and proceeded to take them to his own residence in McAllen, TX.

7. Mr. Ferrer admitted that he had been mailing marijuana since arriving in McAllen, TX in 2011. Mr. Ferrer believes he has probably mailed or assisted in the mailing of approximately 25 parcels through the U.S. Postal Service to date. Mr. Ferrer stated that the last parcel he mailed previous to this day's mailing was approximately 10 days ago and received \$1,500.00 for mailing said parcel from Mr. Rodriguez.

8. Based on the facts set forth in this Affidavit, your Affiant believes there is sufficient probable cause for the arrest of Roberto Carlo Ferrer, for violation of Title 21, United States Code, Section 841(a)(1) and 843(b).